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09/768,446	01/24/2001	Jules S. Cohen	MSFT-0244/148481.1	2394

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EXAMINER

KENNEDY, LESA M

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/768,446

Applicant(s)

COHEN ET AL.

Examiner

Lesa Kennedy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

*Remarks*

1. This action is responsive to the application filed on January 24, 2001. Claims 8-14 and 26-30 are pending examination. Claims 8-14 and 26-30 are directed towards transferring data from a client device to a central storage location based on a preset value.

*Election/Restrictions*

2. Claims 1-7, 15-25 and 31-32 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

*Drawings*

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show in Fig. 8 the conditions under which the process moves from step 806 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because step 808 in Fig. 8 contains grammatical errors. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claim 14 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in Paper No. 1 filed January 24, 2001. In that paper, applicant has stated providing a web page to a **deselected** user without using data from the central storage, and this statement indicates that the invention is different from what is defined in the claim(s) because claim 14 states providing a web page to a **selected** user without using data from the central storage.

For purposes of further reviewing this claim, it will be assumed that the applicant intended to state "... providing a web page to the deselected user ..." in claim 14.

*Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8-14 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eichstaedt et al. (U.S. Patent No. 6,662,230) in view of Pogue et al. (U.S. Patent No. 6,112,240), and further in view of Thomas Huston et al. (U.S. Pub. No. 2002/0007402)

As to claim 8, Eichstaedt teaches a method comprising the acts of:

selecting a group of users of the web site based on an identifier associated with each user [col. 8, lines 39-54; Eichstaedt discloses selecting users to gain access to specific web pages based on their client identifier]; and

providing a web page to each of the selected group of users [col. 8, lines 39-54; Eichstaedt discloses that the selected users gain access to specific web pages].

Eichstaedt does not expressly teach the limitation of copying data from each of the selected user's client computing devices to a central storage location; and providing a web page based on the copied data stored in said central storage location.

However, Pogue teaches a method for obtaining client information relating to a web page using a tracking computer that is remote from the client computer. Pogue teaches the limitation of copying data from each of the user's client computing devices to a central storage location

[col. 6, lines 46-50; col. 7, lines 2-7, 23-24; Pogue discloses a tracker that obtains information (including user identification data) from cookies on client computer and copies the data to a database].

Thomas Huston teaches a method for managing and providing web pages to users.

Thomas Huston teaches the limitation of providing a web page based on data stored in a central storage location [par. 0043; Thomas Huston discloses a server that maintains user-specific web page URLs].

Eichstaedt and Pogue are analogous art because they relate to monitoring client request for web pages. Eichstaedt and Thomas Huston are analogous art because they are methods of providing web pages to users.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eichstaedt in view of Pogue and Thomas Huston so as to store information regarding user-specific web pages in a central database. One would be motivated to do so to 1) allow a website administrator to monitor user activity, and 2) allow web pages to be formatted to support a client's browser.

As to claim 9, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 8 comprising:

computing a hash of each user's associated identifier [col. 6, lines 43-62; Eichstaedt discloses calculating a request value (hash value) from a client identifier; par. 0043; Thomas Huston discloses computing the hash of user ID data]; and

determining, for each user, whether the hash value meets predetermined criteria [col. 6, lines 54-59; Eichstaedt discloses comparing the calculated request value (hash value) to a predefined maximum request value (preset value)].

As to claim 10, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 9, wherein the act of determining whether a hash value meets predetermined criteria comprises comparing the hash value to a preset value [col. 6, lines 54-59; Eichstaedt discloses comparing the calculated request value (hash value) to a predefined maximum request value (preset value)].

As to claim 11, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 10, wherein the act of comparing the hash value to a preset value comprises determining whether the hash value is less than the preset value [col. 6, lines 54-59; Eichstaedt discloses determining if the calculated request value (hash value) is less than the predefined maximum request value (preset value)].

As to claim 12, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 8, further comprising the act of: setting an indication for each user for whom data has been copied to the central storage location [par. 0043; Thomas Huston discloses storing the user ID for each user for whom web page URLs are stored in the traffic server (central storage location)].

As to claim 13, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 12, further comprising the act of: maintaining, for one of the selected users, a mirror copy of that user's centrally-stored data at the user's client computing

device [col. 7, lines 4-7, 11-15, 23-24; Pogue discloses transmitting a cookie with client information to a client computer, and storing the same client information in a database].

As to claim 14, the combination of Eichstaedt in view of Pogue, in view of Thomas Huston teaches the method of claim 8 further comprising the acts of:

deselecting one of the selected users [col. 6, lines 59-61; Eichstaedt discloses that the predefined maximum request value can be lowered to allow less users to be in the selected/allowed group];

providing a web page to the user without using the copy of the user's data stored at the central storage location [col. 4, lines 30-44; Pogue discloses displaying a web page without using user information from the database].

As to claim 26, the combination of Eichstaedt in view of Pogue in view of Thomas Huston teaches a system comprising:

a first computing device which provides a web page to a plurality of second computing devices, each of said second computing devices being communicatively connected to said first computing device, said first computing device providing a web page to each of said second computing devices [col. 3, line 66 – col. 4, line 7; Pogue discloses a web server (first computing device) that provides web pages to client computers (second computing devices)] based on customization information associated with each of said second computing devices [par. 0043; Thomas Huston discloses storing user-specific web page URLs (customization information)], each of said second computing devices storing its respective customization information [col. 1, lines 44-47; col. 6, lines 46-50; Pogue discloses cookies having client information is stored on the client computers (second computing devices)];



a data store which stores corresponding customization information for at least some of said second computing devices [par. 0043; Thomas Huston discloses that a traffic server (data store) stores user-specific web page URLs (customization information)];

a throttle module which selects certain ones of said second computing devices [col. 6, lines 43-59; Eichstaedt discloses selecting client machines (second computing devices)] for storage of their respective customization information in said data store [par. 0043; Thomas Huston discloses that a traffic server (data store) stores user-specific web page URLs (customization information)]; and

a migration module which copies to said data store the customization information [col. 6, lines 46-50; Pogue discloses obtaining user information from a cookie; par. 0043; Thomas Huston discloses storing user-specific web page URLs (customization information) in a traffic server (data store)] from the selected ones of said second computing devices [col. 6, lines 43-59; Eichstaedt discloses selecting client machines (second computing devices)].

As to claim 27, the combination of Eichstaedt in view of Pogue in view of Thomas Huston teaches the system of claim 26 further comprising: a customization module which customizes the web page for each of the second computing devices, wherein the customization is based on information stored in the data store [par. 0043; Thomas Huston discloses that a traffic server (data store) maintains specific web page URLs (customized web pages) for users (second computing devices)] for the selected ones of the second computing devices [col. 6, lines 43-49; Eichstaedt discloses selecting client machines (second computing devices)], and wherein the customization is based on information stored at the respective second computing devices for the

non-selected ones of the second computing devices [col. 4, lines 30-44; Pogue discloses displaying web pages without using information stored in the database].

As to claim 28, the combination of Eichstaedt in view of Pogue in view of Thomas Huston teaches the system of claim 26, further comprising: a hashing module which hashes the identifier for each of said second computing devices [col. 6, lines 43-50; Eichstaedt discloses calculating request values (hash values) for client (second computing device) identifiers], wherein said throttle module receives a value from said hashing module and selects certain ones of said second computing devices based on the received value [col. 6, lines 51-59; Eichstaedt discloses client machines (second computing devices) are selected based on the calculated request value (received value)].

As to claim 29, the combination of Eichstaedt in view of Pogue in view of Thomas Huston teaches the system of claim 26, wherein each of said second computing devices is associated with an identifier, and wherein said system further comprises: a throttle value storage location [col. 6, lines 54-59; Eichstaedt discloses storing a predefined maximum request value (throttle value)]; wherein said throttle module selects certain ones of said second computing devices based on the value stored at the throttle value storage location [col. 6, lines 51-59; Eichstaedt discloses selecting client machines (second computing devices) based on the predefined maximum request value (throttle value)] and further based on the identifiers associated with the respective second computing devices [col. 6, lines 46-59; Eichstaedt discloses selecting client machines (second computing devices) based on client identifier].

As to claim 30, the combination of Eichstaedt in view of Pogue in view of Thomas Huston teaches the system of claim 26, wherein said throttle module selects said certain ones of

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said second computing devices in a predetermined proportion to the total number of second computing devices [col. 6, lines 59-62; Eichstaedt discloses that the proportion of client machine (second computing devices) that are selected can be adjusted].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lesa Kennedy whose telephone number is (703) 305-8865. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

*Andrew Caldwell*  
Andrew Caldwell